

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                               |   |                         |
|-------------------------------|---|-------------------------|
| DONNA IANNONE,                | ) |                         |
|                               | ) |                         |
| Plaintiff,                    | ) |                         |
|                               | ) |                         |
| v.                            | ) | Civil Action No. 05-710 |
|                               | ) |                         |
| J.C. PENNEY COMPANY,          | ) | Judge Lancaster         |
| J.C. PENNEY CORPORATION tdba  | ) | Magistrate Judge Hay    |
| J.C. PENNEY, FURNITURE BRANDS | ) |                         |
| INTERNATIONAL, INC., LANE     | ) |                         |
| FURNITURE INDUSTRIES, INC.,   | ) |                         |
| ACTION INDUSTRIES, INC.,      | ) |                         |
|                               | ) |                         |
| Defendants.                   | ) |                         |

**ORDER**

AND NOW, this 6<sup>th</sup> day of June, 2007, after the plaintiff, Donna Iannone, filed an action in the above-captioned case, and after a Joint Motion for Preclusion of Expert Testimony and a Motion for Summary Judgment [Dkt. No. 17], was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections and the response to those objections, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' Joint Motion for Preclusion of Expert Testimony is denied, and Defendants' Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "G. L. Lancaster", is written above a horizontal line.

GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

All counsel of record by Notice of Electronic Filing